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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JUSTIN ORNELAS, JASMINE ORNELAS
and J.O. , A MINOR
BY AND THROUGH HIS GUARDIAN
AD LITEM JUSTIN ORNELAS

CASE NO. : 2:22-cv-00304-JCM-DJA

Plaintiff.

**DEFENDANT AMAZON.COM, INC.'S NOTICE
OF REMOVAL OF ACTION TO FEDERAL
COURT PURSUANT TO U.S.C §1441(b)
(DIVERSITY)**

AMAZON.COM, INC.,
VOKHIDZMON ABDUKARIMOV
and DOES I through X, Inclusive.

Defendants.

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:

Defendant, AMAZON.COM, INC. (hereinafter “Amazon”) by and through its attorneys of record, Karen L. Bashor and Christopher D. Phipps, of the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, hereby petition this Court for the removal of a pending action in the Eighth Judicial District Court of the State of Nevada in and for the County of Clark, to the United States District Court for the District of Nevada at Las Vegas, pursuant to 28 USC §1441(b), *et seq.*

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1 As part of this Petition, Defendant/Petitioner demonstrates the following to the Court:

2 1. Plaintiff first commenced this action against Amazon in the Eighth Judicial District
3 Court, Clark County, State of Nevada, in Case No. A-21-842110-C, Department 30, when Plaintiff
4 filed a Complaint on October 4, 2021, first naming Amazon as a defendant. A copy of the Plaintiff's
5 Summons and Complaint setting forth Plaintiff's claims for relief is attached hereto as **Ex. A.**
6 Amazon was first served with the Summons and Complaint through CSC, its registered agent on
7 January 19, 2022. *See, Ex. B.*

8 2. Paragraph 1 of Plaintiff's Complaint alleges: "Plaintiff JUSTIN ORNELAS is, and at
9 all time herein mentioned was, an adult residing in Panorama City, County of Los Angeles,
10 California." *See, Ex. A.* at ¶ 1.

11 3. Paragraph 2 of Plaintiff's Complaint alleges: "Plaintiff JASMINE ORNELAS is, and
12 at all time herein mentioned was, an adult residing in Panorama City, County of Los Angeles,
13 California." *See, Ex. A.* at ¶ 2.

14 4. Paragraph 3 of Plaintiff's Complaint alleges: "Plaintiff J.O. , is,
15 and at all time herein mentioned was, an adult residing in Panorama City, County of Los Angeles,
16 California." *See, Ex. A.* at ¶ 3.

17 5. Paragraph 4 of Plaintiff's Complaint alleges: "Defendant AMAZON.COM, INC., is,
18 and at all time herein mentioned was, a Delaware corporation doing business throughout Nevada."
19 *See, Ex. A.* at ¶ 4. In fact, Defendant AMAZON.COM, INC., is a Delaware corporations with its
20 main corporate office located in Seattle, Washington.

21 6. Paragraphs 6 and 7 of Plaintiff's Complaint allege that Defendant VOKHIDZMON
22 ABDUKARIMOV was an agent, employee, partner and joint venture of Amazon, *which Amazon*
23 *denies*. Nonetheless, the Nevada Highway Patrol Traffic Accident Report for the motor vehicle
24 accident which is the subject of Plaintiff's Complaint indicates that Defendant VOKHIDZMON
25 ABDUKARIMOV is a resident of Roswell, Georgia. *See, Ex. C.* at 3 of 10.

7. Plaintiff's Complaint alleges that Plaintiffs were injured when their vehicle was struck from behind by the tractor-trailer vehicle driven by Defendant VOKHIDZMON ABDUKARIMOV. *See, Ex. A.* at ¶¶ 11-13. Plaintiffs have not yet presented any specific demand for damages so the amount of their damages is currently unknown. However, there are currently three (3) Plaintiffs in this action and all three were transported from the accident scene to UMC Trauma Center. *See, Ex. C.* at 5-6 of 10. All three Plaintiffs are alleging claims for bodily injuries. *See, Ex. A.* at ¶¶ 17-18. In addition to claims for bodily injuries, Plaintiffs JUSTIN ORNELAS and JASMINE ORNELAS are alleging claims for lost wages and loss of earning capacity. *See, Ex. A.* at ¶ 19. Additionally, Amazon notes from the Nevada Highway Patrol Traffic Accident Report for the motor vehicle accident which is the subject of Plaintiff's Complaint that two additional passenger vehicles were involved in the same collision which will account for a total of nine (9) potential claimants. *See, Ex. C.* Amazon expects that other claimants will necessarily be joined in this action by interpleader and/or consolidation of actions. Accordingly, Amazon has a good faith belief that the amount in controversy between the parties exceeds \$75,000.00.

6. Plaintiff's Complaint alleges a single cause of action for negligence against all Defendants, which includes imbedded claims for vicarious liability and negligent entrustment against Amazon for the alleged negligent conduct of Defendant VOKHIDZMON ABDUKARIMOV. See, **Ex. A.** at ¶¶ 11-22.

8. This Court has original jurisdiction over the subject matter of this action under the provisions of section §1332 of Title 28 U.S.C., in that there is complete diversity between the parties, and more than \$75,000.00 in controversy, exclusive of interest and costs. Pursuant to §1441 of Title 28 U.S.C., Defendant/Petitioner Amazon is entitled to remove the action to this Court.

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9. A true and correct copy of Amazon's Notice of Removal is being filed this date with the Clerk of the Court for the Eighth Judicial District Court of Clark County, Nevada and is attached hereto as **Ex. D.**

DATED this 18th day of February, 2022.

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

By: /s/ Christopher D. Phipps #3788
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on this 18th day of February, 2022, I served a true and correct copy of the **DEFENDANT AMAZON.COM, INC.'S NOTICE OF REMOVAL of Action to federal court pursuant to 28 U.S.C §1441(b) (DIVERSITY)**

as follows:

- via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk
 - by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada

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By:

/s/ Katie Brooks _____
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